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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,468

03/01/2004

Richard Konig

HMM-002-1

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EXAMINER

SAINT CYR, JEAN D

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

06/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,468	Applicant(s) KONIG ET AL.	
	Examiner JEAN D. SAINT CYR	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION
Response to Amendment

This action is in response to applicant's amendment filed on 02/04/2008. Claims 1-3 are still pending in the present application. Claims 4-24 have been cancelled. **This action is made FINAL.**

Response to Arguments

Applicant's arguments filed on 02/04/2008 have been fully considered, but they are not persuasive. Applicant argues that Logan et al (US.7055166) did not disclose matching segment of input video to stored fingerprint data and Logan did not disclose expanding the sliding window. However, Logan et al disclose user would match the marking signals received from the first communication system against the buffered broadcast program content in order to modify the program. Also, Logan et al disclose system therefore allows a user to manually move, or "surf," among segments of a broadcast programming signal while viewing the signal and the processor can include a segment processor, responsive to the selection controller, for moving segments of the broadcast programming signal into an alternative order.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al, US Patent No. 6088722.

Re claim 1, Logan et al disclose a method for video detection and replacement, the method comprising: receiving an input video signal(a receiver for receiving

broadcast programming signal, col.2, lines 33-34; see fig.1, element 12);

in a sliding(system therefore allows a user to manually move, or "surf," among segments of a broadcast programming signal while viewing the signal, col.21, lines 33-35; the processor can include a segment processor, responsive to the selection controller, for moving segments of the broadcast programming signal into an alternative order, col.4, lines 33-35) window of initial length L(program segment information may include the total length of the broadcast programming signal, the length of the segment, col.13, lines 63-65; that means the initial length of the segment is there), a segment of the input video signal locally using to a portion of stored fingerprint data(identification signal memory that stores a segment identification signal that represents characteristic information of a pre-defined program segment. In one practice of this embodiment, the local database 108 stores a series of identification signals, each of which provides information that acts like a fingerprint for uniquely identifying a known program sequence, col.20, lines 54-62);

expanding the sliding window to the approximate length of the fingerprint data when the segment of the input video signal within the sliding window of initial length L matches the portion of stored fingerprint data(user would match the marking signals received from the first communication system against the buffered broadcast program content in order to modify the program, col.2, lines 41-44; that means user can expand the sliding window to obtain match)

comparing the segment of the input video signal within the expanded sliding window with the stored fingerprint data(segment filter 64 compares characteristics of the segments to the segment identification signals to identify a known segment and delete it or edit it accordingly, Col.17, lines 46-48); and generating an output video signal comprising the input video signal with the segment within the expanded sliding window replaced with a replacement portion (the splicing processor 104 can operate responsive to a marking signal to generate a composite proprietary program signal that removes an indicated program segment, such as a sequence of commercials, and replaces it with a video signal, such as a screen saver image, stored within the local database 108, col.20, lines 3-8) when the segment of the input video signal within the expanded sliding

window matches(user would match the marking signals received from the first communication system against the buffered broadcast program content in order to modify the program, col.2, lines 41-44) the fingerprint data(fingerprint, col.12, line 49).

Re claim 2, Logan et al disclose automatically receiving fingerprint data (data or fingerprint, col.12, line 49) of segments to be identified via a computer communications network (see fig.1, element 38, communication system; a computer network interface, or any other type of receiver capable of receiving a signal, col.8, lines 30-32); and storing the fingerprint data (the system can include a database memory that stores a segment identification signal, col.4, lines 61-65; that means the fingerprint data was stored).

Re claim 3, Logan et al disclose wherein the fingerprint data (fingerprint, col.12, line 49) is transmitted(transmit the marking signal in approximately real time, col.18, lines 62-63) periodically (see fig.1, element 28, time stamp; a clock element that generates at time spaced intervals a time stamp signal that represents a computer periodic time reference, col.9, lines 7-11).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623

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